

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FLOR OSUNA,

Defendant.

No. 12-CR-4088-DEO

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

Before the Court is Magistrate Judge Leonard T. Strand's Report and Recommendation Concerning Guilty Plea (Docket No. 15, 11/07/2012).

On September 20, 2012, a two count Indictment (Docket No. 2) was returned in the above-referenced case. On November 7, 2012, Defendant Osuna entered guilty pleas to Counts 1 and 2 before United States Magistrate Judge Leonard T. Strand pursuant to a plea agreement.

Count 1 of the Indictment charges that from a date unknown but prior to April 2012, and continuing through about September 2012, in the Northern District of Iowa and elsewhere, defendant Flor Osuna, did knowingly and unlawfully combine, conspire, confederate, and agree, with others whose identities are both known and unknown to the Grand Jury to

commit offenses against the United States, to wit: to knowingly, intentionally, and unlawfully:

(1) possess with the intent to distribute 5 grams or more of actual (pure) methamphetamine, and

(2) possess with the intent to distribute 50 grams or more of actual (pure) methamphetamine,
both Schedule II controlled substances.

This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(B) and 846.

Count 2 of the Indictment charges that on or about September 6, 2012, in the Northern District of Iowa, defendant, Flor Osuna, knowingly possessed firearms, to wit: a Ruger LCP .380 pistol, serial number 373-93000; a Ruger P93DC 9mm pistol, serial number 306-03459; and a Ruger 10/22 .22LR, serial number 115-20518, in furtherance of a drug trafficking crime for which she may be prosecuted in a court of the United States as charged in Count 1 of this Indictment.

This was in violation of Title 18, United States Code, Section 924(c)(1)(A).

The Report and Recommendation (Docket No. 15), states that there is a plea agreement (Docket No. 12-1) and

recommends that defendant Osuna's guilty plea be accepted. Waivers of objections to Judge Strand's Report and Recommendation were filed by each party (Docket Nos. 16 and 17). The Court, therefore, undertakes the necessary review to accept defendant Osuna's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1).

Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate

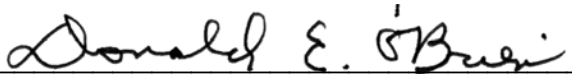
judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Magistrate Judge Strand's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Magistrate Judge Strand's Report and Recommendation (Docket No. 15), and accepts defendant Osuna's plea of guilty in this case to Counts 1 and 2 of the Indictment (Docket No. 2).

IT IS SO ORDERED this 3rd day of January, 2013.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa